

AMENDED IN ASSEMBLY JULY 12, 2005

AMENDED IN SENATE MAY 19, 2005

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 12, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 281

**Introduced by Senator Maldonado
(Coauthors: Senators Alquist, Denham, and Torlakson)**

February 16, 2005

An act to ~~amend Section 104650 of, and to add Section 104651 to,~~ the Health and Safety Code, relating to nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 281, as amended, Maldonado. Nutrition.

Existing law requires the State Department of Health Services to establish and implement, to the extent funds other than state general funds are available, a "5 A Day—For Better Health" program for the purpose of promoting public awareness of the need to increase the consumption of fruits and vegetables as part of a low-fat, high-fiber diet in order to improve health and prevent major chronic diseases, including diet-related cancers. ~~Existing law authorizes the department to contract with qualified organizations for services to implement this program and exempts those contracts from certain state agency contracting requirements.~~

~~This bill would delete the provision that exempts those contracts from certain state agency contracting requirements. The bill would also~~ *additionally* require the department and the Department of Food and Agriculture, in consultation with the State Department of Education

and the State Board of Education, *if private and nonstate public funds are available to fully fund the program*, to develop a program that encourages public schools maintaining kindergarten or any of grades 1 through 12, inclusive, to provide fruits and nonfried vegetables to pupils.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 104650 of the Health and Safety Code~~
2 ~~is amended to read:~~

3 ~~104650. (a) The department shall establish and implement, to~~
4 ~~the extent funds are available pursuant to subdivision (d) that are~~
5 ~~other than state general funds, a “5 A Day—For Better Health”~~
6 ~~program for the purpose of promoting public awareness of the~~
7 ~~need to increase the consumption of fruits and nonfried~~
8 ~~vegetables as part of a low-fat, high-fiber diet in order to improve~~
9 ~~health and prevent major chronic diseases, including diet-related~~
10 ~~cancers. The department shall implement the program only after~~
11 ~~the Department of Finance determines that sufficient nonstate~~
12 ~~public or private funding has been deposited with the state to~~
13 ~~fully fund the program.~~

14 ~~(b) The department may promote the “5 A Day—For Better~~
15 ~~Health” program to the public through channels, including print~~
16 ~~and electronic media, retail, grocers, schools, and other~~
17 ~~government programs. For purposes of this article, “public”~~
18 ~~includes the general adult population, adults with lower~~
19 ~~educational attainment, schoolage children and youth, and~~
20 ~~high-risk groups determined by the department.~~

21 ~~(c) The department may, at its sole discretion, contract with~~
22 ~~qualified organizations for general or specialized services to~~
23 ~~implement this article, including personnel, marketing, public~~
24 ~~relations, research, evaluation, and administration.~~

25 ~~(d) The department shall investigate all available funding~~
26 ~~sources, public and private, for the purposes of this article,~~
27 ~~including application for public and private grants.~~

28 ~~SEC. 2.—~~

29 ~~SECTION 1. Section 104651 is added to the Health and~~
30 ~~Safety Code, to read:~~

1 104651. (a) (1) The department and the Department of Food
2 and Agriculture shall develop a program that encourages public
3 schools maintaining kindergarten or any of grades 1 through 12,
4 inclusive, to provide fruits and nonfried vegetables to pupils to
5 supplement the fruits and nonfried vegetables provided through
6 existing meal programs.

7 (2) Fruits and nonfried vegetables provided pursuant to this
8 section shall be provided free of charge to a pupil, where
9 appropriate.

10 (3) Fruits and nonfried vegetables provided pursuant to this
11 section shall be provided during the schoolday, but not during
12 regularly scheduled meal periods.

13 (b) The department and the Department of Food and
14 Agriculture, in consultation with the State Department of
15 Education and the State Board of Education, shall establish
16 guidelines for the administration and evaluation of the program
17 developed pursuant to this section. *The department shall*
18 *implement the program only after the Department of Finance*
19 *determines that sufficient nonstate public or private funding has*
20 *been deposited with the state to fully fund the program.*